

## Senate Bill 16

By: Senators Kirkpatrick of the 32nd, Hufstetler of the 52nd, Watson of the 1st, Burke of the 11th, Ginn of the 47th and others

**AS PASSED SENATE****A BILL TO BE ENTITLED****AN ACT**

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 physicians, assistants, and others, so as to enter into an interstate compact known as the  
3 "Interstate Medical Licensure Compact Act"; to authorize the Georgia Composite Medical  
4 Board to administer the compact in this state; to require fingerprint records checks; to  
5 provide for the purpose of the compact; to provide definitions; to provide for eligibility; to  
6 provide for application of an expedited license; to provide for a coordinated information  
7 system; to provide for joint investigations and discipline; to provide for a commission to  
8 administer the compact among the member states; to provide for dispute resolution; to  
9 provide for withdrawal from the compact; to provide for construction; to provide for related  
10 matters; to repeal conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,  
14 assistants, and others, is amended in Code Section 43-34-5, relating to election of officers  
15 of the Georgia Composite Medical Board, reimbursement of members, meetings, powers and  
16 duties, and no restriction on licenses, by revising subsection (c) as follows:

17 "(c) The board shall have the following powers and duties:

- 18 (1) To adopt, amend, and repeal such rules and regulations in accordance with this  
19 chapter necessary for the proper administration and enforcement of this chapter;  
20 (2) To adopt a seal by which the board shall authenticate the acts of the board;  
21 (3) To establish a pool of qualified physicians to act as peer reviewers and expert  
22 witnesses and to appoint or contract with physicians professionally qualified by education  
23 and training, medical associations, or other professionally qualified organizations to serve  
24 as peer reviewers; provided, however, that no licensing, investigative, or disciplinary  
25 duties or functions of the board may be delegated to any medical association or related  
26 entity by contract or otherwise;

- 27       (4) To employ a medical director and other staff to implement this chapter and provide  
28       necessary and appropriate support who shall be subject to the same confidentiality  
29       requirements of the board;
- 30       (5) To keep a docket of public proceedings, actions, and filings;
- 31       (6) To set its office hours;
- 32       (7) To set all reasonable fees by adoption of a schedule of fees approved by the board.  
33       The board shall set such fees sufficient to cover costs of operation;
- 34       (8) To establish rules regarding licensure and certification status, including, but not  
35       limited to, inactive status, as the board deems appropriate;
- 36       (9) To issue, deny, or reinstate the licenses, certificates, or permits of duly qualified  
37       applicants for licensure, certification, or permits under this chapter;
- 38       (10) To revoke, suspend, issue terms and conditions, place on probation, limit practice,  
39       fine, require additional medical training, require medical community service, or otherwise  
40       sanction licensees, certificate holders, or permit holders;
- 41       (11) To renew licenses, certificates, and permits and set renewal and expiration dates and  
42       application and other deadlines;
- 43       (12) To approve such examinations as are necessary to determine competency to practice  
44       under this chapter;
- 45       (13) To set examination standards, approve examinations, and set passing score  
46       requirements;
- 47       (14) To adopt necessary rules concerning proceedings, hearings, review hearings,  
48       actions, filings, depositions, and motions related to uncontested cases;
- 49       (15) To initiate investigations for the purposes of discovering violations of this chapter;
- 50       (16) To administer oaths, subpoena witnesses and documentary evidence including  
51       medical records, and take testimony in all matters relating to its duties;
- 52       (17) To conduct hearings, reviews, and other proceedings according to Chapter 13 of  
53       Title 50;
- 54       (18) To conduct investigative interviews;
- 55       (19) To issue cease and desist orders to stop the unlicensed practice of medicine or other  
56       profession licensed, certified, or permitted under this chapter and impose penalties for  
57       such violations;
- 58       (20) To request injunctive relief or refer cases for criminal prosecution to appropriate  
59       enforcement authorities;
- 60       (21) To release investigative or applicant files to another enforcement agency or lawful  
61       licensing authority in another state;
- 62       (22) To sue and be sued in a court of competent jurisdiction;
- 63       (23) To enter into contracts;

64 (24) To license and regulate pain management clinics;

65 (25) To establish minimum standards for prescribing controlled substances for pain

66 management; and

67 (26) To accept any gifts, grants, donations, and other funds, including funds from the

68 disposition of forfeited property to the extent permitted by applicable law, to assist in

69 enforcing this chapter; and

70 (27) To administer the Interstate Medical Licensure Compact Act contained in Article

71 11 of this chapter."

## SECTION 2.

73 Said chapter is further amended by adding a new Code section to read as follows:

74      "43-34-13.

75 (a) As used in this Code section, the term 'health care professional' means any individual  
76 licensed, certified, or permitted by the board under this chapter.

(b) Any applicant as a health care professional shall have satisfactory results from a fingerprint records check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license, certificate, or permit under this chapter shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure, certification, or permit agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such criminal background check."

### SECTION 3.

88 Said chapter is further amended by revising Code Section 43-34-28, relating to reciprocity,  
89 as follows:

90 "43-34-28.

91     (a) The board may grant a license without examination to licensees of boards of other  
92     states requiring equal or higher qualifications.

93       (b) The board may grant an expedited license to licensees of boards of other states  
94       pursuant to the Interstate Medical Licensure Compact Act contained in Article 11 of this  
95       chapter."

96

**SECTION 4.**

97 Said chapter is further amended by adding a new article, to read as follows:

98

**"ARTICLE 11**99 43-34-300.

100 This article shall be known and may be cited as the 'Interstate Medical Licensure Compact  
101 Act.'

102 43-34-301.

103 The Interstate Medical Licensure Compact is enacted into law and entered into by the State  
104 of Georgia with any and all other states legally joining therein in the form substantially as  
105 follows:

106 **INTERSTATE MEDICAL LICENSURE COMPACT**107 **SECTION 1. PURPOSE**

108 In order to strengthen access to health care, and in recognition of the advances in the  
109 delivery of health care, the member states of the Interstate Medical Licensure Compact  
110 have allied in common purpose to develop a comprehensive process that complements the  
111 existing licensing and regulatory authority of state medical boards, provides a streamlined  
112 process that allows physicians to become licensed in multiple states, thereby enhancing the  
113 portability of a medical license and ensuring the safety of patients. The Compact creates  
114 another pathway for licensure and does not otherwise change a state's existing Medical  
115 Practice Act. The Compact also adopts the prevailing standard for licensure and affirms  
116 that the practice of medicine occurs where the patient is located at the time of the  
117 physician-patient encounter, and therefore, requires the physician to be under the  
118 jurisdiction of the state medical board where the patient is located. State medical boards  
119 that participate in the Compact retain the jurisdiction to impose an adverse action against  
120 a license to practice medicine in that state issued to a physician through the procedures in  
121 the Compact.

122 **SECTION 2. DEFINITIONS**123 In this compact:

- 124 (a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to  
125 Section 11 for its governance, or for directing and controlling its actions and conduct.  
126 (b) "Commissioner" means the voting representative appointed by each member board  
127 pursuant to Section 11.

- 128     (c) "Conviction" means a finding by a court that an individual is guilty of a criminal  
129       offense through adjudication, or entry of a plea of guilt or no contest to the charge by the  
130       offender. Evidence of an entry of a conviction of a criminal offense by the court shall be  
131       considered final for purposes of disciplinary action by a member board.
- 132     (d) "Expedited License" means a full and unrestricted medical license granted by a  
133       member state to an eligible physician through the process set forth in the Compact.
- 134     (e) "Interstate Commission" means the interstate commission created pursuant to Section  
135       11.
- 136     (f) "License" means authorization by a state for a physician to engage in the practice of  
137       medicine, which would be unlawful without the authorization.
- 138     (g) "Medical Practice Act" means laws and regulations governing the practice of allopathic  
139       and osteopathic medicine within a member state.
- 140     (h) "Member Board" means a state agency in a member state that acts in the sovereign  
141       interests of the state by protecting the public through licensure, regulation, and education  
142       of physicians as directed by the state government.
- 143     (i) "Member State" means a state that has enacted the Compact.
- 144     (j) "Offense" means a felony, high and aggravated misdemeanor, or crime of moral  
145       turpitude.
- 146     (k) "Physician" means any person who:
- 147       (1) Is a graduate of a medical school accredited by the Liaison Committee on Medical  
148       Education, the Commission on Osteopathic College Accreditation, or a medical school  
149       listed in the International Medical Education Directory or its equivalent;
- 150       (2) Passed each component of the United States Medical Licensing Examination  
151       (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination  
152       (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted  
153       by a state medical board as an equivalent examination for licensure purposes;
- 154       (3) Successfully completed graduate medical education approved by the Accreditation  
155       Council for Graduate Medical Education or the American Osteopathic Association;
- 156       (4) Holds specialty certification or a time-unlimited specialty certificate recognized by  
157       the American Board of Medical Specialties or the American Osteopathic Association's  
158       Bureau of Osteopathic Specialists;
- 159       (5) Possesses a full and unrestricted license to engage in the practice of medicine issued  
160       by a member board;
- 161       (6) Has never been convicted, received adjudication, deferred adjudication, community  
162       supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

163 (7) Has never held a license authorizing the practice of medicine subjected to discipline  
164 by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action  
165 related to non-payment of fees related to a license;

(8) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and

168 (9) Is not under active investigation by a licensing agency or law enforcement authority  
169 in any state, federal, or foreign jurisdiction.

170       (1) "Practice of Medicine" means the clinical prevention, diagnosis, or treatment of human  
171       disease, injury, or condition requiring a physician to obtain and maintain a license in  
172       compliance with the Medical Practice Act of a member state.

173 (m) "Rule" means a written statement by the Interstate Commission promulgated pursuant  
174 to Section 12 of the Compact that is of general applicability, implements, interprets, or  
175 prescribes a policy or provision of the Compact, or an organizational, procedural, or  
176 practice requirement of the Interstate Commission, and has the force and effect of statutory  
177 law in a member state, and includes the amendment, repeal, or suspension of an existing  
178 rule.

179     (n) "State" means any state, commonwealth, district, or territory of the United States.

180       (o) "State of Principal License" means a member state where a physician holds a license  
181       to practice medicine and which has been designated as such by the physician for purposes  
182       of registration and participation in the Compact.

### **SECTION 3. ELIGIBILITY**

184 (a) A physician must meet the eligibility requirements as defined in Section 2(k) to receive  
185 an expedited license under the terms and provisions of the Compact.

186 (b) A physician who does not meet the requirements of Section 2(k) may obtain a license  
187 to practice medicine in a member state if the individual complies with all laws and  
188 requirements, other than the Compact, relating to the issuance of a license to practice  
189 medicine in that state.

#### SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

191 (a) A physician shall designate a member state as the state of principal license for purposes  
192 of registration for expedited licensure through the Compact if the physician possesses a full  
193 and unrestricted license to practice medicine in that state, and the state is:

194       (1) the state of primary residence for the physician, or

195       (2) the state where at least 25% of the practice of medicine occurs, or

196       (3) the location of the physician's employer, or

197        (4) if no state qualifies under subsection (1), subsection (2), or subsection (3), the state  
198        designated as state of residence for purpose of federal income tax.

199        (b) A physician may redesignate a member state as state of principal license at any time,  
200        as long as the state meets the requirements in subsection (a).

201        (c) The Interstate Commission is authorized to develop rules to facilitate redesignation of  
202        another member state as the state of principal license.

203        **SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE**

204        (a) A physician seeking licensure through the Compact shall file an application for an  
205        expedited license with the member board of the state selected by the physician as the state  
206        of principal license.

207        (b) Upon receipt of an application for an expedited license, the member board within the  
208        state selected as the state of principal license shall evaluate whether the physician is  
209        eligible for expedited licensure and issue a letter of qualification, verifying or denying the  
210        physician's eligibility, to the Interstate Commission.

211        (1) Static qualifications, which include verification of medical education, graduate  
212        medical education, results of any medical or licensing examination, and other  
213        qualifications as determined by the Interstate Commission through rule, shall not be  
214        subject to additional primary source verification where already primary source verified  
215        by the state of principal license.

216        (2) The member board within the state selected as the state of principal license shall, in  
217        the course of verifying eligibility, perform a criminal background check of an applicant,  
218        including the use of the results of fingerprint or other biometric data checks compliant  
219        with the requirements of the Federal Bureau of Investigation, with the exception of  
220        federal employees who have suitability determination in accordance with U.S. C.F.R.  
221        §731.202.

222        (3) Appeal on the determination of eligibility shall be made to the member state where  
223        the application was filed and shall be subject to the law of that state.

224        (c) Upon verification in subsection (b), physicians eligible for an expedited license shall  
225        complete the registration process established by the Interstate Commission to receive a  
226        license in a member state selected pursuant to subsection (a), including the payment of any  
227        applicable fees.

228        (d) After receiving verification of eligibility under subsection (b) and any fees under  
229        subsection (c), a member board shall issue an expedited license to the physician. This  
230        license shall authorize the physician to practice medicine in the issuing state consistent with  
231        the Medical Practice Act and all applicable laws and regulations of the issuing member  
232        board and member state.

- 233 (e) An expedited license shall be valid for a period consistent with the licensure period in  
234 the member state and in the same manner as required for other physicians holding a full  
235 and unrestricted license within the member state.
- 236 (f) An expedited license obtained through the Compact shall be terminated if a physician  
237 fails to maintain a license in the state of principal licensure for a non-disciplinary reason,  
238 without redesignation of a new state of principal licensure.
- 239 (g) The Interstate Commission is authorized to develop rules regarding the application  
240 process, including payment of any applicable fees, and the issuance of an expedited license.

241 **SECTION 6. FEES FOR EXPEDITED LICENSURE**

- 242 (a) A member state issuing an expedited license authorizing the practice of medicine in  
243 that state may impose a fee for a license issued or renewed through the Compact.
- 244 (b) The Interstate Commission is authorized to develop rules regarding fees for expedited  
245 licenses.

246 **SECTION 7. RENEWAL AND CONTINUED PARTICIPATION**

- 247 (a) A physician seeking to renew an expedited license granted in a member state shall  
248 complete a renewal process with the Interstate Commission if the physician:
- 249 (1) Maintains a full and unrestricted license in a state of principal license;
- 250 (2) Has not been convicted, received adjudication, deferred adjudication, community  
251 supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
- 252 (3) Has not had a license authorizing the practice of medicine subject to discipline by a  
253 licensing agency in any state, federal, or foreign jurisdiction, excluding any action related  
254 to non-payment of fees related to a license; and
- 255 (4) Has not had a controlled substance license or permit suspended or revoked by a state  
256 or the United States Drug Enforcement Administration.
- 257 (b) Physicians shall comply with all continuing professional development or continuing  
258 medical education requirements for renewal of a license issued by a member state.
- 259 (c) The Interstate Commission shall collect any renewal fees charged for the renewal of  
260 a license and distribute the fees to the applicable member board.
- 261 (d) Upon receipt of any renewal fees collected in subsection (c), a member board shall  
262 renew the physician's license.
- 263 (e) Physician information collected by the Interstate Commission during the renewal  
264 process will be distributed to all member boards.
- 265 (f) The Interstate Commission is authorized to develop rules to address renewal of licenses  
266 obtained through the Compact.

267                   SECTION 8. COORDINATED INFORMATION SYSTEM

- 268       (a) The Interstate Commission shall establish a database of all physicians licensed, or who  
269       have applied for licensure, under Section 5.
- 270       (b) Notwithstanding any other provision of law, member boards shall report to the  
271       Interstate Commission any public action or complaints against a licensed physician who  
272       has applied or received an expedited license through the Compact.
- 273       (c) Member boards shall report disciplinary or investigatory information determined as  
274       necessary and proper by rule of the Interstate Commission.
- 275       (d) Member boards may report any non-public complaint, disciplinary, or investigatory  
276       information not required by subsection (c) to the Interstate Commission.
- 277       (e) Member boards shall share complaint or disciplinary information about a physician  
278       upon request of another member board.
- 279       (f) All information provided to the Interstate Commission or distributed by member boards  
280       shall be confidential, filed under seal, and used only for investigatory or disciplinary  
281       matters.
- 282       (g) The Interstate Commission is authorized to develop rules for mandated or discretionary  
283       sharing of information by member boards.

284                   SECTION 9. JOINT INVESTIGATIONS

- 285       (a) Licensure and disciplinary records of physicians are deemed investigative.
- 286       (b) In addition to the authority granted to a member board by its respective Medical  
287       Practice Act or other applicable state law, a member board may participate with other  
288       member boards in joint investigations of physicians licensed by the member boards.
- 289       (c) A subpoena issued by a member state shall be enforceable in other member states.
- 290       (d) Member boards may share any investigative, litigation, or compliance materials in  
291       furtherance of any joint or individual investigation initiated under the Compact.
- 292       (e) Any member state may investigate actual or alleged violations of the statutes  
293       authorizing the practice of medicine in any other member state in which a physician holds  
294       a license to practice medicine.

295                   SECTION 10. DISCIPLINARY ACTIONS

- 296       (a) Any disciplinary action taken by any member board against a physician licensed  
297       through the Compact shall be deemed unprofessional conduct which may be subject to  
298       discipline by other member boards, in addition to any violation of the Medical Practice Act  
299       or regulations in that state.
- 300       (b) If a license granted to a physician by the member board in the state of principal license  
301       is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses

302 issued to the physician by member boards shall automatically be placed, without further  
303 action necessary by any member board, on the same status. If the member board in the  
304 state of principal license subsequently reinstates the physician's license, a license issued to  
305 the physician by any other member board shall remain encumbered until that respective  
306 member board takes action to reinstate the license in a manner consistent with the Medical  
307 Practice Act of that state.

308 (c) If disciplinary action is taken against a physician by a member board not in the state  
309 of principal license, any other member board may deem the action conclusive as to matter  
310 of law and fact decided, and:

311 (1) Impose the same or lesser sanction(s) against the physician so long as such sanctions  
312 are consistent with the Medical Practice Act of that state; or  
313 (2) Pursue separate disciplinary action against the physician under its respective Medical  
314 Practice Act, regardless of the action taken in other member states.

315 (d) If a license granted to a physician by a member board is revoked, surrendered or  
316 relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician  
317 by any other member board(s) shall be suspended, automatically and immediately without  
318 further action necessary by the other member board(s), for ninety (90) days upon entry of  
319 the order by the disciplining board, to permit the member board(s) to investigate the basis  
320 for the action under the Medical Practice Act of that state. A member board may terminate  
321 the automatic suspension of the license it issued prior to the completion of the ninety (90)  
322 day suspension period in a manner consistent with the Medical Practice Act of that state.

323 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

324 (a) The member states hereby create the "Interstate Medical Licensure Compact  
325 Commission".

326 (b) The purpose of the Interstate Commission is the administration of the Interstate  
327 Medical Licensure Compact, which is a discretionary state function.

328 (c) The Interstate Commission shall be a body corporate and joint agency of the member  
329 states and shall have all the responsibilities, powers, and duties set forth in the Compact,  
330 and such additional powers as may be conferred upon it by a subsequent concurrent action  
331 of the respective legislatures of the member states in accordance with the terms of the  
332 Compact.

333 (d) The Interstate Commission shall consist of two voting representatives appointed by  
334 each member state who shall serve as Commissioners. In states where allopathic and  
335 osteopathic physicians are regulated by separate member boards, or if the licensing and  
336 disciplinary authority is split between multiple member boards within a member state, the

337 member state shall appoint one representative from each member board. A Commissioner  
338 shall be a(n):

- 339 (1) Allopathic or osteopathic physician appointed to a member board;  
340 (2) Executive director, executive secretary, or similar executive of a member board; or  
341 (3) Member of the public appointed to a member board.

342 (e) The Interstate Commission shall meet at least once each calendar year. A portion of  
343 this meeting shall be a business meeting to address such matters as may properly come  
344 before the Commission, including the election of officers. The chairperson may call  
345 additional meetings and shall call for a meeting upon the request of a majority of the  
346 member states.

347 (f) The bylaws may provide for meetings of the Interstate Commission to be conducted by  
348 telecommunication or electronic communication.

349 (g) Each Commissioner participating at a meeting of the Interstate Commission is entitled  
350 to one vote. A majority of Commissioners shall constitute a quorum for the transaction of  
351 business, unless a larger quorum is required by the bylaws of the Interstate Commission.  
352 A Commissioner shall not delegate a vote to another Commissioner. In the absence of its  
353 Commissioner, a member state may delegate voting authority for a specified meeting to  
354 another person from that state who shall meet the requirements of subsection (d).

355 (h) The Interstate Commission shall provide public notice of all meetings and all meetings  
356 shall be open to the public. The Interstate Commission may close a meeting, in full or in  
357 portion, where it determines by a two-thirds vote of the Commissioners present that an  
358 open meeting would be likely to:

- 359 (1) Relate solely to the internal personnel practices and procedures of the Interstate  
360 Commission;  
361 (2) Discuss matters specifically exempted from disclosure by federal statute;  
362 (3) Discuss trade secrets, commercial, or financial information that is privileged or  
363 confidential;  
364 (4) Involve accusing a person of a crime, or formally censuring a person;  
365 (5) Discuss information of a personal nature where disclosure would constitute a clearly  
366 unwarranted invasion of personal privacy;  
367 (6) Discuss investigative records compiled for law enforcement purposes; or  
368 (7) Specifically relate to the participation in a civil action or other legal proceeding.  
369 (i) The Interstate Commission shall keep minutes which shall fully describe all matters  
370 discussed in a meeting and shall provide a full and accurate summary of actions taken,  
371 including record of any roll call votes.

372 (j) The Interstate Commission shall make its information and official records, to the extent  
373 not otherwise designated in the Compact or by its rules, available to the public for  
374 inspection.

375 (k) The Interstate Commission shall establish an executive committee, which shall include  
376 officers, members, and others as determined by the bylaws. The executive committee shall  
377 have the power to act on behalf of the Interstate Commission, with the exception of  
378 rulemaking, during periods when the Interstate Commission is not in session. When acting  
379 on behalf of the Interstate Commission, the executive committee shall oversee the  
380 administration of the Compact including enforcement and compliance with the provisions  
381 of the Compact, its bylaws and rules, and other such duties as necessary.

382 (l) The Interstate Commission may establish other committees for governance and  
383 administration of the Compact.

384 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

385 The Interstate Commission shall have the duty and power to:

386 (a) Oversee and maintain the administration of the Compact;  
387 (b) Promulgate rules which shall be binding to the extent and in the manner provided for  
388 in the Compact;

389 (c) Issue, upon the request of a member state or member board, advisory opinions  
390 concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;  
391 (d) Enforce compliance with Compact provisions, the rules promulgated by the Interstate  
392 Commission, and the bylaws, using all necessary and proper means, including but not  
393 limited to the use of judicial process;

394 (e) Establish and appoint committees including, but not limited to, an executive  
395 committee as required by Section 11, which shall have the power to act on behalf of the  
396 Interstate Commission in carrying out its powers and duties;

397 (f) Pay, or provide for the payment of the expenses related to the establishment,  
398 organization, and ongoing activities of the Interstate Commission;

399 (g) Establish and maintain one or more offices;

400 (h) Borrow, accept, hire, or contract for services of personnel;

401 (i) Purchase and maintain insurance and bonds;

402 (j) Employ an executive director who shall have such powers to employ, select or  
403 appoint employees, agents, or consultants, and to determine their qualifications, define  
404 their duties, and fix their compensation;

405 (k) Establish personnel policies and programs relating to conflicts of interest, rates of  
406 compensation, and qualifications of personnel;

- 407 (l) Accept donations and grants of money, equipment, supplies, materials and services,  
408 and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest  
409 policies established by the Interstate Commission;

410 (m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
411 improve or use, any property, real, personal, or mixed;

412 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
413 any property, real, personal, or mixed;

414 (o) Establish a budget and make expenditures;

415 (p) Adopt a seal and bylaws governing the management and operation of the Interstate  
416 Commission;

417 (q) Report annually to the legislatures and governors of the member states concerning  
418 the activities of the Interstate Commission during the preceding year. Such reports shall  
419 also include reports of financial audits and any recommendations that may have been  
420 adopted by the Interstate Commission;

421 (r) Coordinate education, training, and public awareness regarding the Compact, its  
422 implementation, and its operation;

423 (s) Maintain records in accordance with the bylaws;

424 (t) Seek and obtain trademarks, copyrights, and patents; and

425 (u) Perform such functions as may be necessary or appropriate to achieve the purposes  
426 of the Compact.

## SECTION 13. FINANCE POWERS

- 428 (a) The Interstate Commission may levy on and collect an annual assessment from each  
429 member state to cover the cost of the operations and activities of the Interstate Commission  
430 and its staff. The total assessment must be sufficient to cover the annual budget approved  
431 each year for which revenue is not provided by other sources. The aggregate annual  
432 assessment amount shall be allocated upon a formula to be determined by the Interstate  
433 Commission, which shall promulgate a rule binding upon all member states.

434 (b) The Interstate Commission shall not incur obligations of any kind prior to securing the  
435 funds adequate to meet the same.

436 (c) The Interstate Commission shall not pledge the credit of any of the member states,  
437 except by, and with the authority of, the member state.

438 (d) The Interstate Commission shall be subject to a yearly financial audit conducted by a  
439 certified or licensed public accountant and the report of the audit shall be included in the  
440 annual report of the Interstate Commission.

441                   SECTION 14. ORGANIZATION AND OPERATION

442                   OF THE INTERSTATE COMMISSION

443       (a) The Interstate Commission shall, by a majority of Commissioners present and voting,  
444       adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the  
445       purposes of the Compact within twelve (12) months of the first Interstate Commission  
446       meeting.

447       (b) The Interstate Commission shall elect or appoint annually from among its  
448       Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have  
449       such authority and duties as may be specified in the bylaws. The chairperson, or in the  
450       chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the  
451       Interstate Commission.

452       (c) Officers selected in subsection (b) shall serve without remuneration from the Interstate  
453       Commission.

454       (d) The officers and employees of the Interstate Commission shall be immune from suit  
455       and liability, either personally or in their official capacity, for a claim for damage to or loss  
456       of property or personal injury or other civil liability caused or arising out of, or relating to,  
457       an actual or alleged act, error, or omission that occurred, or that such person had a  
458       reasonable basis for believing occurred, within the scope of Interstate Commission  
459       employment, duties, or responsibilities; provided that such person shall not be protected  
460       from suit or liability for damage, loss, injury, or liability caused by the intentional or willful  
461       and wanton misconduct of such person.

462                   (1) The liability of the executive director and employees of the Interstate Commission  
463       or representatives of the Interstate Commission, acting within the scope of such person's  
464       employment or duties for acts, errors, or omissions occurring within such person's state,  
465       may not exceed the limits of liability set forth under the constitution and laws of that state  
466       for state officials, employees, and agents. The Interstate Commission is considered to be  
467       an instrumentality of the states for the purposes of any such action. Nothing in this  
468       subsection shall be construed to protect such person from suit or liability for damage,  
469       loss, injury, or liability caused by the intentional or willful and wanton misconduct of  
470       such person.

471                   (2) The Interstate Commission shall defend the executive director, its employees, and  
472       subject to the approval of the attorney general or other appropriate legal counsel of the  
473       member state represented by an Interstate Commission representative, shall defend such  
474       Interstate Commission representative in any civil action seeking to impose liability  
475       arising out of an actual or alleged act, error or omission that occurred within the scope  
476       of Interstate Commission employment, duties or responsibilities, or that the defendant  
477       had a reasonable basis for believing occurred within the scope of Interstate Commission

478 employment, duties, or responsibilities, provided that the actual or alleged act, error, or  
479 omission did not result from intentional or willful and wanton misconduct on the part of  
480 such person.

481 (3) To the extent not covered by the state involved, member state, or the Interstate  
482 Commission, the representatives or employees of the Interstate Commission shall be held  
483 harmless in the amount of a settlement or judgment, including attorney's fees and costs,  
484 obtained against such persons arising out of an actual or alleged act, error, or omission  
485 that occurred within the scope of Interstate Commission employment, duties, or  
486 responsibilities, or that such persons had a reasonable basis for believing occurred within  
487 the scope of Interstate Commission employment, duties, or responsibilities, provided that  
488 the actual or alleged act, error, or omission did not result from intentional or willful and  
489 wanton misconduct on the part of such persons.

490 **SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

491 (a) The Interstate Commission shall promulgate reasonable rules in order to effectively and  
492 efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the  
493 event the Interstate Commission exercises its rulemaking authority in a manner that is  
494 beyond the scope of the purposes of the Compact, or the powers granted hereunder, then  
495 such an action by the Interstate Commission shall be invalid and have no force or effect.

496 (b) Rules deemed appropriate for the operations of the Interstate Commission shall be  
497 made pursuant to a rulemaking process that substantially conforms to the "Model State  
498 Administrative Procedure Act" of 2010.

499 (c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition  
500 for judicial review of the rule in the United States District Court for the District of  
501 Columbia or the federal district where the Interstate Commission has its principal offices,  
502 provided that the filing of such a petition shall not stay or otherwise prevent the rule from  
503 becoming effective unless the court finds that the petitioner has a substantial likelihood of  
504 success. The court shall give deference to the actions of the Interstate Commission  
505 consistent with applicable law and shall not find the rule to be unlawful if the rule  
506 represents a reasonable exercise of the authority granted to the Interstate Commission.

507 **SECTION 16. OVERSIGHT OF INTERSTATE COMPACT**

508 (a) The executive, legislative, and judicial branches of state government in each member  
509 state shall enforce the Compact and shall take all actions necessary and appropriate to  
510 effectuate the Compact's purposes and intent. The provisions of the Compact and the rules  
511 promulgated hereunder shall have standing as statutory law but shall not override existing  
512 state authority to regulate the practice of medicine.

513     (b) All courts shall take judicial notice of the Compact and the rules in any judicial or  
514     administrative proceeding in a member state pertaining to the subject matter of the  
515     Compact which may affect the powers, responsibilities or actions of the Interstate  
516     Commission.

517     (c) The Interstate Commission shall be entitled to receive all service of process in any such  
518     proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure  
519     to provide service of process to the Interstate Commission shall render a judgment or order  
520     void as to the Interstate Commission, the Compact, or promulgated rules.

521                         SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

522     (a) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce  
523     the provisions and rules of the Compact.

524     (b) The Interstate Commission may, by majority vote of the Commissioners, initiate legal  
525     action in the United States District Court for the District of Columbia, or, at the discretion  
526     of the Interstate Commission, in the federal district where the Interstate Commission has  
527     its principal offices, to enforce compliance with the provisions of the Compact, and its  
528     promulgated rules and bylaws, against a member state in default. The relief sought may  
529     include both injunctive relief and damages. In the event judicial enforcement is necessary,  
530     the prevailing party shall be awarded all costs of such litigation including reasonable  
531     attorney's fees.

532     (c) The remedies herein shall not be the exclusive remedies of the Interstate Commission.  
533     The Interstate Commission may avail itself of any other remedies available under state law  
534     or the regulation of a profession.

535                         SECTION 18. DEFAULT PROCEDURES

536     (a) The grounds for default include, but are not limited to, failure of a member state to  
537     perform such obligations or responsibilities imposed upon it by the Compact, or the rules  
538     and bylaws of the Interstate Commission promulgated under the Compact.

539     (b) If the Interstate Commission determines that a member state has defaulted in the  
540     performance of its obligations or responsibilities under the Compact, or the bylaws or  
541     promulgated rules, the Interstate Commission shall:

542         (1) Provide written notice to the defaulting state and other member states, of the nature  
543         of the default, the means of curing the default, and any action taken by the Interstate  
544         Commission. The Interstate Commission shall specify the conditions by which the  
545         defaulting state must cure its default; and

546         (2) Provide remedial training and specific technical assistance regarding the default.

- 547 (c) If the defaulting state fails to cure the default, the defaulting state shall be terminated  
548 from the Compact upon an affirmative vote of a majority of the Commissioners and all  
549 rights, privileges, and benefits conferred by the Compact shall terminate on the effective  
550 date of termination. A cure of the default does not relieve the offending state of obligations  
551 or liabilities incurred during the period of the default.
- 552 (d) Termination of membership in the Compact shall be imposed only after all other means  
553 of securing compliance have been exhausted. Notice of intent to terminate shall be given  
554 by the Interstate Commission to the governor, the majority and minority leaders of the  
555 defaulting state's legislature, and each of the member states.
- 556 (e) The Interstate Commission shall establish rules and procedures to address licenses and  
557 physicians that are materially impacted by the termination of a member state, or the  
558 withdrawal of a member state.
- 559 (f) The member state which has been terminated is responsible for all dues, obligations,  
560 and liabilities incurred through the effective date of termination including obligations, the  
561 performance of which extends beyond the effective date of termination.
- 562 (g) The Interstate Commission shall not bear any costs relating to any state that has been  
563 found to be in default or which has been terminated from the Compact, unless otherwise  
564 mutually agreed upon in writing between the Interstate Commission and the defaulting  
565 state.
- 566 (h) The defaulting state may appeal the action of the Interstate Commission by petitioning  
567 the United States District Court for the District of Columbia or the federal district where  
568 the Interstate Commission has its principal offices. The prevailing party shall be awarded  
569 all costs of such litigation including reasonable attorney's fees.

570 SECTION 19. DISPUTE RESOLUTION

- 571 (a) The Interstate Commission shall attempt, upon the request of a member state, to resolve  
572 disputes which are subject to the Compact and which may arise among member states or  
573 member boards.
- 574 (b) The Interstate Commission shall promulgate rules providing for both mediation and  
575 binding dispute resolution as appropriate.

576 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

- 577 (a) Any state is eligible to become a member state of the Compact.
- 578 (b) The Compact shall become effective and binding upon legislative enactment of the  
579 Compact into law by no less than seven (7) states. Thereafter, it shall become effective and  
580 binding on a state upon enactment of the Compact into law by that state.

581 (c) The governors of non-member states, or their designees, shall be invited to participate  
582 in the activities of the Interstate Commission on a non-voting basis prior to adoption of the  
583 Compact by all states.

584 (d) The Interstate Commission may propose amendments to the Compact for enactment  
585 by the member states. No amendment shall become effective and binding upon the  
586 Interstate Commission and the member states unless and until it is enacted into law by  
587 unanimous consent of the member states.

## SECTION 21. WITHDRAWAL

589 (a) Once effective, the Compact shall continue in force and remain binding upon each and  
590 every member state; provided that a member state may withdraw from the Compact by  
591 specifically repealing the statute which enacted the Compact into law.

592 (b) Withdrawal from the Compact shall be by the enactment of a statute repealing the  
593 same, but shall not take effect until one (1) year after the effective date of such statute and  
594 until written notice of the withdrawal has been given by the withdrawing state to the  
595 governor of each other member state.

596 (c) The withdrawing state shall immediately notify the chairperson of the Interstate  
597 Commission in writing upon the introduction of legislation repealing the Compact in the  
598 withdrawing state.

599 (d) The Interstate Commission shall notify the other member states of the withdrawing  
600 state's intent to withdraw within sixty (60) days of its receipt of notice provided under  
601 subsection (c).

602 (e) The withdrawing state is responsible for all dues, obligations and liabilities incurred  
603 through the effective date of withdrawal, including obligations, the performance of which  
604 extend beyond the effective date of withdrawal.

605       (f) Reinstatement following withdrawal of a member state shall occur upon the  
606       withdrawing state reenacting the Compact or upon such later date as determined by the  
607       Interstate Commission.

608 (g) The Interstate Commission is authorized to develop rules to address the impact of the  
609 withdrawal of a member state on licenses granted in other member states to physicians who  
610 designated the withdrawing member state as the state of principal license.

## SECTION 22. DISSOLUTION

(a) The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the Compact to one (1) member state.

614 (b) Upon the dissolution of the Compact, the Compact becomes null and void and shall be  
615 of no further force or effect, and the business and affairs of the Interstate Commission shall  
616 be concluded and surplus funds shall be distributed in accordance with the bylaws.

617 **SECTION 23. SEVERABILITY AND CONSTRUCTION**

618 (a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence,  
619 or provision is deemed unenforceable, the remaining provisions of the Compact shall be  
620 enforceable.

621 (b) The provisions of the Compact shall be liberally construed to effectuate its purposes.

622 (c) Nothing in the Compact shall be construed to prohibit the applicability of other  
623 interstate compacts to which the states are members.

624 **SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS**

625 (a) Nothing herein prevents the enforcement of any other law of a member state that is not  
626 inconsistent with the Compact.

627 (b) All laws in a member state in conflict with the Compact are superseded to the extent  
628 of the conflict.

629 (c) All lawful actions of the Interstate Commission, including all rules and bylaws  
630 promulgated by the Commission, are binding upon the member states.

631 (d) All agreements between the Interstate Commission and the member states are binding  
632 in accordance with their terms.

633 (e) In the event any provision of the Compact exceeds the constitutional limits imposed  
634 on the legislature of any member state, such provision shall be ineffective to the extent of  
635 the conflict with the constitutional provision in question in that member state.'

636 43-34-302.

637 The Georgia Composite Medical Board shall be authorized to promulgate rules and  
638 regulations to implement the provisions of this article.

639 43-34-303.

640 The Georgia Composite Medical Board shall designate the two voting representatives from  
641 this state who shall serve as Commissioners on the Interstate Medical Licensure Compact  
642 Commission in accordance with Section 11(d) of the Interstate Medical Licensure Compact  
643 entered into pursuant to Code Section 43-34-301.

644      43-34-304.

645 A physician issued an expedited license pursuant to the Interstate Medical Licensure  
646 Compact entered into pursuant to Code Section 43-34-301 by another member state shall  
647 be subject to all requirements and duties applicable to physicians who are licensed pursuant  
648 to Article 2 of this chapter."

649

## SECTION 5.

650 All laws and parts of laws in conflict with this Act are repealed.